

**MINUTES OF THE MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, AUGUST 7, 2002**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Edward P. Marron, Building Inspector
Florence Costello, Planning Board Clerk
M.J. Wilson, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes

IPB Matters Considered:

94-03 – Westwood Development Associates, Inc.
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J

00-40 – Astor Street Associates, LLC
Sht. 7, Portion of P-25000

01-26 – Danfor Realty
Sht. 13B, P-5, P-5C

02-15 – RER Development Corp.
Sht. 10C, Bl. 226, Lot 24B

02-27 – James Kennedy Construction Company
Sht. 10C, Bl. 226, Lot 41 (part of Lot 25)

02-33 – James Lundy & Martha Chamberland
Sht. 14, Bl. 223, Lot 15, 15A

02-34 – Charles & Deborah Flock
Sht. 7B, Bl. 249, Lot 2

02-36 – Kathi Schaeffer
Sht. 1, Bl. 246, Lot 10

02-37 – Alex & Lori Riseman
Sht. 100, Bl. 243, Lot 5, 5A, 6

02-38 – Frank Petrilli & Diana Torres-Petrilli
Sht. 12B, Lot 48

Carried Over:

02-04 – Joseph DeMatteo
Sht. 12B, Lot 31

02-11 – Geraldine McGowan-Hall
Sht. 11, Lot P7J

02-26 – Michael Jason Development Corp.
Sht. 7B, Bl. 249, Lot P-77C

Taken Off Agenda: **02-30 – Kevin & Mary Lockhart**
Sht. 10C, Bl. 228, Lot 5

The Chairman called the meeting to order at 8:05 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter # 94-03:

Application of Westwood Development Associates, Inc. for Limited Site Development Plan Approval for Property at Broadway, Riverview Road and Mountain Road - Phase 1 (Tract A).

Mr. Pat Steinschneider appeared for the Applicant. There was a discussion of required modifications to the proposed plat, including clarification of easements, additional monuments to demarcate the conservation easement, limitations on driveway locations, changes to the notes, and the naming of the internal private roads. Also discussed was the need for the building envelopes to comply with current zoning regulations, and not reflect any potential adjustment that may be permitted by the Planning Board under existing zoning. The Chairman noted that the Village would need to sign the plat due to their current ownership of a portion of the property and there being a contract vendee on other sections. The plat could then be sent to the County Health Department and, following their signature, returned to the IPB for final signature by the Chairman and Secretary.

This matter was continued.

IPB Matter # 02-34:

Application of Charles & Deborah Flock for Waiver of Site Development Plan Approval for property at 42-44 West Clinton Avenue.

Donna Gutkin, landscape architect, represented the Applicant. The Applicant is proposing to install a stone terrace (490 sq. ft.) and a stone path (160 sq. ft.). Plans entitled Flock Residence, 44 West Clinton Ave., Basketball Layout Plan, by Donna L. Gutkin, Landscape Architect, dated June 24, 2002, two sheets, were submitted. This application involves a modification to a previous application before the Planning Board (IPB #2001-17).

Mr. Marron said there were no coverage problems. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter # 02-33:

Application of James Lundy & Martha Chamberland for Determination of Site Capacity for Property at 31 East Clinton Avenue.

The Applicant was represented by Mark Constantino, Esq. The Applicant is seeking determination of site capacity of two (2) lots in the MF Multifamily Residence District. Applicant submitted Revised Wetlands Survey of John J. Muldoon, L.S., dated May 17, 2002, noting "elevations shown on this map and the boundaries of the floodplain shown, are in the NVGD datum used by the National Flood Insurance Program."

The Board confirmed that appropriate national floodplain data had been used to ascertain the boundaries of the property, and that nothing else had been changed on the plans.

The Board reviewed the Applicant's site capacity submission and in keeping with the zoning code and past practices, determined that the two lots had merged and voted unanimously to set site capacity at one single-family dwelling unit. In response from a question from the Applicant, the Board indicated that an appeal could be made to the Zoning Board.

IPB Matter # 02-36:

Application of Kathi Schaeffer for Site Development Plan Approval for Property at 18 Meadowbrook Road.

Susan Riordan, architect, represented the Applicant. Proposed construction consists of a 10 ft. x 18 ft. enclosed porch over the existing rear patio. Plans entitled Kathy Schaeffer

Porch Addition, 18 Meadowbrook, Irvington, New York, by Susan M. Riordan, AIA, Architect, dated May 20, 2002, seven sheets, were submitted.

Mr. Marron said there are no coverage issues, but the lot size is non-conforming and therefore a variance is required. No trees are to be removed, Ms. Riordan stated. The Chairman noted Mr. Mastromonaco had no engineering concerns.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application subject to Zoning Board of Appeals determination with regard to the lot's non-conformance.

IPB Matter # 02-37:

Application of Alex & Lori Riseman for Site Development Plan Approval for Property at 6 Meadow Way.

Tammy Feinaman, an associate of Michael Gallin, architect, appeared for the Applicant. The Applicant is proposing to construct a two-story addition to the southwest section of an existing home. Plans entitled 6 Meadow Way by Michael Louis Gallin, Architect, dated July 24, 2002, four (4) sheets, were submitted.

The Chairman, as a neighbor of the Applicant, recused himself from the proceedings and Mr. Hoffman presided.

Mr. Mastromonaco (memo dated August 7, 2002) noted concerns regarding coverage calculations, that the entire property is in the 100-year flood zone, and that the project

must conform to the Village's Flood Damage Prevention Law (Sec.124 of the Village Code). Mr. Hoffman and Mr. Marron noted the need for more specific topographical and other data on the location of the floodplain and drainage plans, as well as a determination of the impact, if any, of the proposed construction on the floodplain and any proposed remediation plans. Mr. Marron requested coverage calculations for each area of the project.

The Board continued this matter.

IPB Matter # 02-38:

Application of Frank Petrilli & Diana Torres-Petrilli for Site Development Plan Approval for Property at 22 Connor Court.

Mr. Nicholas Yuschak, landscape architect, and Mr. Robert Pryor, professional engineer, represented the Applicant. The Application is for the proposed construction of an in-ground swimming pool with a spa and the enlargement of an existing deck. Plans entitled Site Utility Plan prepared for Petrilli Residence, dated July 24, 2002, by McChord Engineering Associates, Inc., Layout & Grading Plan prepared for Petrilli Residence, dated March 15, 2002, by Environmental Design Associates, P.C., Planting & Fencing Plan prepared for Petrilli Residence, dated March 15, 2002, revised July 24, 2002, by Environmental Design Associates, P.C., and Survey of Property prepared for Irvington Associates, Inc. dated November 22, 1996, revised June 16, 2002, by Ward Carpenter Engineers, Inc., were submitted.

Mr. Marron and the Chairman asked that more attention be given to drainage issues and protection of the wetlands on the property, particularly with regard to the disposal of water from the swimming pool. One resident expressed concern about drainage into the wetlands. The Chairman and Mr. Marron said the proposed fence required because of the pool can be located in the wetlands or the no-disturbance area. The fence could, however, be outside the building envelope, as long as it did not exceed 6'-6".

Mr. Mastromonaco's memo dated August 7, 2002 noted concerns regarding the proposed detention system, pool drain system, and screening and fencing. The Environmental Conservation Board's letter of August 7 expressed concern about existing and proposed trees. The Environmental Conservation Board representative suggested that evergreens not be planted (since they may affect the biochemistry of the soil) and that the Applicant find a way to mitigate the impact of heavy construction equipment on the roots of trees. The Chairman asked that the Applicant work with the ECB to resolve its concerns.

The Board continued this matter.

IPB Matter # 00-40:

Application of Astor Street Associates, LLC For Final Subdivision and Site Development Plan Approval for Property at Astor Street (MTA Sub-Station).

Paul Sirignano, Esq., represented the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing

development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. The Chairman noted that a public hearing on this matter was still in progress.

The Board reviewed the proposed resolution of approval for this application and made several changes, including modifications affecting notes to be put on the plat. The Chairman and Mr. Sciarretta emphasized that the Applicant needs to have the MTA signature on the plat prior to signing by the Planning Board.

The Chairman asked that the Applicant make requested changes to the plat and submit the revised drawings prior to the September 4th meeting. The Board subsequently closed the Public Hearing.

This matter was continued.

IPB Matter # 02-15:

**Application of RER Development for Site
Development Plan Approval for Property at
209 Riverview Road.**

Emilio Escaladas, architect, represented the Applicant, who is proposing to demolish an existing structure and construct a new single-family residence. Applicant submitted plans entitled: Proposed Residence for Renato Rancic on a Lot on Riverview Road by Escaladas Associates dated March 20, 2002 last revised July 20, 2002, five (5) sheets. The Chairman re-opened the Public Hearing from July.

The Chairman and Village Counsel indicated that the issue of access to the property had not been resolved. As such, the Board was unable to take any action on the application. The Public Hearing was continued until the Board's September premised on a resolution to the easement issue.

PB Matter # 02-27:

**Application of James Kennedy Construction
Company for Site Development Plan Approval
for Property at Riverview Road.**

This Application pertains to the second lot – Lot No. 55A – of what had been known as the Ciccio-Chernik subdivision. The Applicant is proposing to construct a new home on the lot.

Emilio Escaladas, architect, and Paul Petretti, civil engineer and land surveyor, represented the Applicant. Mr. Escaladas also represented Dr. Ciccio, the owner of the abutting property, who was also in attendance.

Discussion focused on the siting of the proposed residence in the current application, and its relationship to the approved house on the abutting Ciccio property. Dr. Ciccio sought permission to rotate his residence to alter the visibility of the Applicant's structure.

Mr. Petretti said the Applicants plans had been altered to position the Kennedy house farther forward (to the east towards the driveway) as discussed by the Board at earlier

meetings. This led to discussion of the slope of the proposed driveway, the first floor height of the proposed residence at both the front and rear, and how the structure had been designed to address the topography. Mr. Escaladas explained that these factors led him to contemplate changing the positioning of the Ciccio house by rotating it.

Mr. Marron noted that the proposed Kennedy house revisions would result in the raising of the shared common driveway, which would alter drainage. Further, it was Mr. Marron's position that the proposed alterations to the Ciccio property would require re-approval by the IPB. Mr. Marron noted that the proposed Kennedy house revisions would result in relocation of the Ciccio driveway, and require additional fill south of the common driveway. The Chairman asked Dr. Ciccio whether the modification of the driveway as suggested by the revised Kennedy plans was acceptable, and Dr. Ciccio said it was.

Mr. Sciarretta affirmed that the IPB would have to reopen Dr. Ciccio's previously approved application if there were to be modifications to the Ciccio site plan. The Board by consensus said that the new proposed placement of the Kennedy house was acceptable, as did Mr. Thomas Wexler, a resident on an adjoining property to the north.

The Board determined that the application is for a Type II Action under SEQRA. Upon motion duly made and seconded, the Board took the following action. It approved Construction Plan prepared for James Kennedy Construction Co. prepared by Paul J. Petretti, P.E., L.S., dated May 16, 2002, last revised July 24, 2002, two (2) pages. Mr. Marron indicated that he was comfortable that any outstanding issues regarding drainage at the common driveway were relatively minor and could be addressed by the Building Inspector.

IPB Matter # 01-26:

**Application of Danfor Realty for Subdivision
Approval for Property Adjoining Harriman
Road.**

Mr. Paul Petretti, civil engineer and land surveyor, represented the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

The Chairman cited a July 17, 2002 letter from Tim Miller Associates regarding environmental issues that the applicant would need to address in submissions to the Board for consideration in the its SEQRA determination. This included roads, utilities, steep slopes, wetlands, and drainage elements.

The Board continued this matter.

IPB Matter #02-04:

**Application of Joseph DeMatteo for
Re-subdivision and Site Development Plan
Approval for property at 39 North Brook Lane.**

There was no appearance on behalf of the Application.

IPB Matter #02-11:

**Application of Geraldine McGowan-Hall for
Site Development Plan Approval for property
At 200 Mountain Road.**

There was no appearance on behalf of the Application.

IPB Matter # 02-26

**Michael Jason Development Corp.
For Site Development Plan Approval for
Property at 4 Dows Lane.**

At the request of the applicant, this was carried over to the September meeting.

The Board then considered the following administrative matters:

- The next regular meeting of the Board was set for September 4, 2002.

The Board adjourned the meeting at 11:30 p.m.

Respectfully submitted,

Walter Montgomery
Secretary